

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

United States of America

- v -

Louis Pina,

Defendant.

18 Cr. 179 (JSR)

**Sentencing Submission for Violation of Supervised Release**

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Preliminary Statement

Louis Pina struggles with anxiety, depression, and post-traumatic stress disorder. The Court released Mr. Pina from prison, pursuant to the First Step Act, 18 U.S.C. § 3582(c)(1)(A) on June 29, 2020, because the lockdown conditions in prison were seriously undermining Mr. Pina's mental health.

Later that evening, Mr. Pina was reunited with his mother and within 48 hours he began serving a sentence of home detention in her apartment in the Bronx, NY. Mr. Pina's home detention is scheduled to terminate on September 5, 2021 and then he will serve a term of supervised release for three years thereafter.

Mr. Pina's term of home confinement has been challenging. He suffers from post-traumatic stress disorder, which at times makes it hard for him to sit still and remain in control of his emotions. Historically Mr. Pina has self-medicated for his mental health conditions with marijuana and opioids. At times during his term of supervised release he has continued to use narcotics. Mr. Pina is now prescribed Wellbutrin. Although he has had difficulty acquiring the medication, he recently resumed this treatment and is hopeful that it will moderate the depression and flashbacks.

Mr. Pina has also at times not returned to his home as scheduled and has missed some counseling appointments. Mr. Pina has developed a good and trusting relationship with his counselor, Miss Hope, and he knows that it is in his best interest to attend these sessions. Probation has scheduled Mr. Pina's counseling so that he has individual and group therapy; both sessions are overseen by Miss Hope. Mr. Pina derives a lot from both the individual and the group sessions but has had technical issues with attending at times. For a period, Miss Hope was unavailable to oversee the counseling sessions and Mr. Pina felt frustrated at times when there

were substitutes who didn't understand his history and particular needs. And sometimes the sessions are difficult and intense, and Mr. Pina does not feel able to confront his past and present in the manner in which therapy requires. Mr. Pina is trying but his attempts are not perfect. This is to be expected.

Mr. Pina maintains a faithful and loving relationship with his partner, Kayla Nail. They live together at Mr. Pina's mother's apartment with their daughter KN, who is three years old. Mr. Pina is an active and dedicated father.

I ask that the Court sentence Mr. Pina to time served and give him another chance to attend treatment, break his drug addiction, and learn how to be an active and productive member of society.

#### Biopsychosocial Background

When Louis Pina was five years old his father was murdered in front of him. As he lay dying, Louis Sr. cradled Louis in his arms until he passed on. Louis was five years old and his mother, who was quite young thought it best that they try to put this event behind him. She never spoke of his father or his death to Louis. Louis however vividly remembered his father and his death. It has haunted his dreams at night throughout his life, and he replays it in his mind during the day.

Mr. Pina has a "lifelong history of psychological, developmental, and cognitive deficits, compounded by various psycho-social factors that have contributed significantly to his current impaired state of functioning." Report from Dr. Alexander Bardey, Prepared June 23, 2020 and attached as Exhibit A, under seal. Although it is only recently that Mr. Pina has begun to receive mental health treatment for PTSD and depression, he has been treated pharmacologically for

attention deficit disorder therapy with Adderall. Report from Sanford Drob, prepared April 23, 2019, attached as Exhibit B, under seal.

Mr. Pina's Mental Health Conditions

Mr. Pina's PTSD has manifested as nightmares, flashbacks, avoidance, suspiciousness, depression, anxiety, irritability, and mood swings. He is quick to catastrophize a situation. For example, recently officer Huffman went to Mr. Pina's home to conduct a home visit and asked for Mr. Pina to come down to meet her. Mr. Pina called his mother, frantically telling her that he was being arrested; he was in the middle of a panic attack at the thought of returning to prison. Although he is terrified of returning to prison, his PTSD affects his actions such that he becomes more likely to be returned to prison. Mr. Pina didn't intend to leave his probation officer outside his apartment building waiting for him in the cold, however he was not able to think clearly to realize that he should go downstairs and calmly talk to her instead of panicking and calling his mother. He didn't mean to disrespect Officer Huffman, and he was just sitting in the apartment doing everything he was supposed to, but he panicked and, in that moment, made the wrong decision. His path to recovery has not been linear to say the least.

Mr. Pina struggles with very basic life tasks; this is not insolence, but rather a real deficit in his abilities. He lacks the necessary skills to manage in society. For example, he was prescribed Wellbutrin earlier this month, instead of simply asking his mother to pick up his prescription on her way home, he didn't tell anyone about the prescription and has been without antidepressants some time now. Once Officer Huffman realized what was going on, she intervened, and his mother picked up the medication.

Mr. Pina is actively suffering from depression and he wants to take medication to assist him. His activities seem irrational at times, but they stem from a very basic lack in ability,

compounded by serious anxiety and depression. He has difficulty coping with very basic life skills. He is not malicious or willfully disobedient. Mr. Pina knows that he will feel better if he takes antidepressants. Lately he has been feeling despondent and worthless – these symptoms would be mitigated with antidepressants. However, is in such a fog of social dysfunction that even reaching out to ask his mother for help sometimes seems overwhelming sometimes.

Since Mr. Pina's arrest for this violation of supervised release, he has been actively trying to comply with the terms of his probation. He has attended almost all of his therapy sessions and has remained off narcotics. Although the progress is slow, it is trending in a positive direction. If Mr. Pina continues on this path, he will be able to learn the basic skills he needs to cope with a productive adult life.

Mr. Pina isn't violent or abusive; he is lost. He has spent his life without psychological intervention and now that he is finally receiving mental health treatment his progress will be slow and uneven. As frustrating as it is for his mother, his counsel, and his probation officer, if we continue this regular and steady intervention Mr. Pina will have the best chance of success as an adult.

Conclusion

In talking with Mr. Pina, and his probation officer, it is clear that he desperately needs intensive intervention in order to be able to progress as a person. He is an adult now, and he needs to learn how to accomplish very basic tasks in order to move forward in his life.

I ask the Court to maintain the conditions of his release and to sentence him to time served.

Dated: New York, New York  
February 18, 2021

Respectfully submitted,

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